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Hon. Marc Barreca
Chapter 7
Hearing Date: October 19, 2012
Hearing Time: 9:30 a.m.
Response Date: October 12, 2012

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:) NO. 10-23826
Michelle Catherine Merceri,)
Debtor.)
MOTION TO AVOID LIEN

Debtor, by and through counsel, moves the court for an order avoiding the judgment lien of John and Marcia Belforte. The judgment lien impairs debtor's homestead and should be avoided pursuant to 11 U.S.C. § 522.

This motion is based upon the records and files herein and the Declaration of Michelle Merceri, subjoined.

Dated this September 28, 2012.

/s/ Marc S. Stern
Marc S. Stern, WSBA #8194
Attorney for Debtor

DECLARATION

Michelle Merceri declares under penalty of perjury that the following is true and correct to the best of my knowledge and belief.

1. I am the debtor above named and have actual knowledge of the matters hereinafter set forth.

2. I am a resident of 3009 Fairweather Place, Hunts Point, Washington 98004 and the owner thereof.

3. This court has approved a short sale of the property for the sum of \$1,660,000. Pursuant to that short sale, some money would go to unsecured creditors. I have asked the court

1 to direct the trustee to abandon it because the trustee has been unable to close that short sale for a
2 year.

3 4. There are two additional superior liens on the property.

4 5. The first deed of trust is in excess of \$3,200,000. There is no equity to which this
5 lien would attach which would not impair my homestead.

6 Executed under penalty of perjury on September 28, 2012.

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